

Decision Record
and
FINDING OF NO SIGNIFICANT IMPACT
for
Plentywater Creek Project:
Watershed Restoration Projects

Environmental Assessment Number OR-086-01-01

INTRODUCTION

The BLM (Bureau of Land Management) has conducted an environmental analysis (Environmental Assessment Number OR-086-01-01) for Commercial Thinning and Regeneration Harvest projects on a total of approximately 544 acres of Matrix and Density Management and on approximately 37 acres of RR (Riparian Reserves) land use allocations comprised of young densely stocked conifer stands dominated by Douglas-fir aged 40 – 60 years. In addition to the forest management activities, the analysis includes the following watershed restoration projects; 1/ Wildlife Habitat enhancement on approximately 80 acres of Matrix and RR; 2/ Fish Habitat Enhancement on approximately 2000 feet of stream; 3/ Campground Restoration to restore natural flood plain function by decompacting and planting an abandoned campground; and 4/ Stabilize a road that was damaged in the 1996 floods if alternate access can be acquired. **This Decision Record and Finding of No Significant Impact applies to the Watershed Restoration Projects Only.** The project area is located approximately 12 miles north of Hillsboro and Forest Grove, Oregon, in Washington and Multnomah Counties on forested lands managed by the Tillamook Field Office, Salem District, BLM (See Figure 1). The project area lies within the Dairy-McKay Creek and Rock Creek watersheds, both tributaries to the Tualatin River. The fish habitat enhancement and campground restoration will occur along Dairy Creek within Township 3 North, Range 3 West, Sec. 21, Willamette Meridian. The wildlife habitat enhancement project will occur in Township 3 North, Range 3 West, Sec. 29; Township 3 North, Range 3 West, Sec. 33; and Township 2 North, Range 3 West, Sec. 3, Willamette Meridian.

On April 30, 2002, subsequent to the release of the EA, the NMFS (National Marine Fisheries Service) withdrew critical habitat designations for 19 salmon and steelhead populations on the West Coast. These populations include those residing in the Plentywater Creek project area. The EA contains discussion regarding Critical Habitat for these species which is now moot. However, the ESA effects calls for the impacts of the projects on the listed fish species living within the Dairy-McKay Watershed is still valid and is in no way modified by the withdrawal of the Critical Habitat designation.

The decision to be made by the Tillamook Field Manager is whether or not to prepare an environmental impact statement, and whether to approve the watershed restoration projects as proposed, not at all, or to some other extent.

DECISION

Based on site-specific analysis, the supporting project record, management recommendations contained in the WA (*Diary-McKay Creek watershed analysis*), dated March 1999; the ROD/RMP (*Salem District Record of Decision and Resource Management Plan*), dated May 1995; the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Related Species Within the Range of the Northern Spotted Owl*, dated April 1994; and the *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*, dated January 2001, I have decided to implement the watershed restoration projects as described below and on pages 18-21 of the Plentywater Creek Project EA. I expect that these projects will be implemented within 5 years from the effective date of this decision, pending project funding.

Wildlife Habitat Enhancement:

Five treatment units totaling approximately 80 acres (Three treatment units within T.3N., R.3W., Sec. 29 which are approximately 19, 5 and 3 acres in size; One treatment unit within T.3N., R.3W., Sec. 33 which is approximately 40 acres in size; and one treatment unit within T.2N., R.3W., Sec. 3 which is approximately 12 acre is size).

The design criteria for the Wildlife Habitat Enhancement projects are as follows:

1. In the treatment area in the W **2** of the NW 1/4 of T3N., R 3W., Sec. 29 which is approximately 19 acres in size, up to approximately two to three snags or snag top trees will be created per acre and up to two trees will be felled per acre. Snags, snag top trees and/or trees felled for CWD (Coarse Woody Debris) will be placed throughout the identified project area, individually and in small clumps. Only healthy Douglas fir will be treated. A number of factors will be considered in selecting trees for treatment in order to maximize the potential benefits to wildlife. If trees are selected for top girdling, they will generally have a live crown greater than 30% and be located adjacent to small openings; this reduced competition will increase the likelihood of the trees=continued survival. Trees dropped for CWD or killed for the creation of a snag will be selected to release individual or groups of trees, either in the canopy or in the understory. The project will be implemented after August 5th but prior to March 1st. All work involving the generation of noise above the ambient level or climbing into the canopy above 25 feet which is conducted between August 6th and September 15th will not begin until 2 hours after sunrise and will halt two hours before sunset.
2. In the two treatment areas in the E **2** of the NE 1/4 of T3N., R 3W., Sec. 29 which are approximately 3 and 5 acres in size, one clump of 2 - 5 snags per acre will be created. Only healthy Douglas fir will be treated by basal girdling. Snag clumps will be created to release existing understory regeneration and/or selected overstory trees where it is possible.

3. In the treatment area in the N 2 of the W 1/2 of the SE 1/4 of T3N., R 3W., Sec. 33 which is approximately 40 acres in size, small clumps of overstory alders (up to approximately 8 to 12 trees) will be felled or girdled to release existing understory conifer regeneration and/or overstory conifers. Some underplanting of shade tolerant conifers within openings may occur depending upon site specific conditions. Up to approximately 5 clumps of alders per acre will be treated which will not be expected to reduce the existing total overstory by more than approximately 10%. Distribution of these groups of treated hardwoods will be dependent upon the distribution of existing conifers. Alders which will be expected to be appreciably contributing to stream shading will not be treated.
4. In the treatment area in the N 2 of the NW 1/4 of the NW 1/4 of T2N., R 3W., Sec. 3 which is approximately 12 acres in size, small clumps of overstory alders (up to approximately 8 to 12 trees) will be felled or girdled to release existing understory conifer regeneration and/or overstory conifers. Up to an average of approximately 3 clumps of alders per acre will be treated which will not be expected to reduce the existing total overstory by more than approximately 5%. Distribution of these groups of treated hardwoods will be dependent upon the distribution of conifers. Alders which will be expected to appreciably contribute to stream shading will not be treated.
5. No trees with an obvious nest or trees adjacent to any tree with an obvious nest will be selected for treatment. No trees with characteristics desirable to wildlife such as hollow cavities will be treated. No trees will be treated within approximately 100 feet of a permanent road open for public use.
6. A Botanist and/or a Wildlife Biologist will be involved in selecting all trees to be felled in order to minimize the potential for adverse impacts.
7. Trees to be felled will be selected and felled in such a way as to avoid impacting existing decay class 3, 4 and 5 down woody debris which is greater than 15 inches in diameter.
8. Occasionally, alder may be felled into the stream if they can be selected as to not impact stream shading. Any felling of trees into the stream channel will occur between July 1 and September 30 to be consistent with "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (June 2000), unless a waiver is obtained from ODFW (Oregon Department of Fish and Wildlife).

Fish Habitat Enhancement project:

A fish habitat enhancement project will be conducted on a total of approximately 2,000 feet of stream located in one segment within T.3N., R.3W., Sec. 21.

The fish habitat enhancement project will be conducted in a manner which is consistent with the BMPs (Best Management Practices) listed in the RMP (Appendix C-9). The appropriate BMPs along with additional project specific design features are:

1. Approximately 40 pieces (40 pieces X 40 ft. piece length = 1,600 lineal feet) of LWD (Large Woody Debris) will be placed in an approximately 2000 foot stream reach within the Upper Diary Creek drainage.
2. Conduct in-stream work between July 1 and September 30, the time period with the least impact to fish. These dates meet ODFW "Oregon Guidelines for Timing of In-Water

Work to Protect Fish and Wildlife Resources” (June 2000).

3. Wood for in-stream placement will generally not be acquired from the riparian areas adjacent to stream projects. An area approximately 1.5 acres in size in Sec. 3, T.2N. R. 3W., W.M. has been selected for the log source area.
4. All exposed soils will be stabilized and seeded or planted with native species upon completion of activities.
5. Disturbed sites that could potentially lead to sediment input will be rehabilitated to help minimize adverse effects to water quality.
6. Plant shade tolerant conifers in areas where light levels are sufficient to support rapid growth.
7. All equipment intended for instream work will be cleaned of grease, oil and dirt before movement into project area and check regularly for leaks while in operation.
8. Oil collection booms will be placed downstream of project areas and an approved spill clean up kit will be kept on site.
9. All machinery will be fueled outside of the riparian zone on hardened surfaces (roads and pullouts).

Campground Restoration:

1. Soil will be decompacted during optimal moisture conditions, as determined by the Authorized Officer and/or Field Office soil scientist. Decompacting will be accomplished by breaking up the soil with a toothed bucket equipped excavator.
2. Following decompacting, the area will be blocked to prevent vehicle access and planted with a variety of native tree and shrub species.

Road Stabilization:

BLM road number 3N-3-33 was damaged in the 1996 floods and requires stabilization work. A site stabilization plan will be developed prior to implementation which will likely include planting native trees and shrubs and constructing check dams. This project will only be implemented if alternate access can be acquired to access timber sale unit 33-1¹.

¹Currently the BLM is attempting to acquire an easement to gain access to unit 33-1 via an alternate route. Acquisition of this easement would occur prior to the sale of the Plenty Agua group of timber sales.

ALTERNATIVES CONSIDERED

The alternatives considered in detail included an "action" alternative and a "no action" alternative. No major issues were identified during scoping, therefore, procedurally, no alternatives other than the "action" and "no action" alternatives were required. Complete descriptions of the "action" and "no action" alternatives are contained in the EA, on pages 9-14.

REASONS FOR THE DECISION

Considering public comment, the content of the EA and supporting project record, WA, and the management direction contained in the RMP and Survey and Manage ROD, I have decided to implement the selected alternative as described above. My rationale for this decision follows:

1. The selected alternative addresses the purpose of and need for action and fulfills the project objectives, as stated on page 5-6 of the EA. This alternative will improve fish habitat for threatened and endangered fish species, improve wildlife habitat for a variety of species, restore proper soil function to a highly compacted former campground area adjacent to the East Fork of Dairy Creek to a more functional condition and stabilize a washed out road which is currently a chronic source of sediment (EA Chapter 3). The project will also help provide social and economic benefits to local communities through expending contract dollars to accomplish the projects, which is also an objective for matrix lands (EA Chapter 1). The "no action" alternative was not selected because it does not meet the purpose and need, nor does it fulfill any of the project objectives. Implementing the "no action" alternative will not help improve fish or wildlife habitat, it will not restore flood plain function or reduce sediment from the washed out road, nor will it contribute economic benefits to local communities.
2. The selected alternative is consistent with applicable land use plans, policies, and programs (EA, pp. 38-40).
3. Implementation of the action will enhance habitat for a variety of animals that require snag habitat and large wood on the forest floor.
4. One public comment was received expressing a concern about the stability (potential for down stream movement) of the logs which will be placed in the Fish Habitat Enhancement project. The placement of LWD (Large Woody Debris) will be consistent with the guidelines established by the ODFW (Oregon Department of Fish and Wildlife), NMFS (National Marine Fisheries Service), DSL (Division of State Lands) and ACOE (Army Corps. of Engineers). Based on past experience placing wood using these guidelines, the potential for downstream movement of the wood is negligible.

PUBLIC INVOLVEMENT

Scoping consisted of listing the proposed project in the June, September, and December 2000 and March 2001 editions of the quarterly *Salem District Project Update* which was mailed to over 1,000 addresses, and a letter and scoping report (Project Record document 51) was mailed on July 26, 2000 to 124 potentially affected and/or interested individuals, groups, and agencies (Project Record document 51). A total of 10 letters were received as a result of this scoping effort. All public input was assigned a number and filed within the Project Record (Project Record documents 39, 52-55, 58, 62-65). The IDT reviewed, clarified, and addressed the public comments. None of the comments pertained to the Watershed Restoration projects. The disposition of those comments are contained in Appendix 2 of the EA. Subsequent to the previously described scoping period, a public meeting was held on January 29, 2001 which provided an open exchange of information between meeting participants and the BLM.

Comments received during that meeting were reviewed by the IDT to determine whether any additional issues were identified. None of the comments pertained to the Watershed Restoration projects. The comments and BLM's responses were placed in the project record and distributed by mail to the meeting participants.

On February 12, 2002, a preliminary FONSI (Finding of No Significant Impact) and decision, along with a copy of the EA (Environmental Assessment Number OR-086-01-01) was mailed to 22 interested individuals, groups and agencies that requested to be placed on the mailing list (Project Record documents 148, 149, 151). Additionally, legal notices for public comment appeared in the Headlight Herald on February 13, 2002 and the Hillsboro Argus on February 14, 2002 (Project Record documents 147 and 150) respectively of Tillamook and Hillsboro, Oregon.

One copy of the EA was sent out in response to a telephone request made by a private citizen on February 19, 2002 (Project Record document 145).

As a result of the notice for public comment, 7 letters were received and were considered by the Tillamook Field Manager in reaching an informed decision (Project Record documents 146, 152, 153, 158, 159, 160, 162). One of the letters included comments on the Watershed Restoration projects (Project Record Document 152). No other comments were received pertaining to the Watershed Restoration projects. The Bureau's response to the public comments received for the completed EA are contained in Addendum 1, which is attached to this Decision Record.

Additional copies can be obtained from the Tillamook Field Office, 4610 Third Street, Tillamook, Oregon 97141. Office Hours are Monday through Friday, 7:30 am to 4:00 pm, closed on holidays, or by visiting our Internet site at <http://www.or.blm.gov/salem/html/planning/index.htm>.

FINDING OF NO SIGNIFICANT IMPACT

This action, hereafter referred to as the “selected alternative,” is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. This finding is based on the following discussion:

Context. The selected alternative is a site-specific action directly involving approximately 80 acres of BLM administered forest land, an approximately 2000 foot segment of BLM administered stream, one abandoned recreation area and 700 feet of BLM administered road that by itself does not have international, national, region-wide, or state-wide importance. The discussion of the significance criteria that follows applies to the intended action and is within the context of local importance. Chapter 3 of the EA and the associated appendices detail the effects of the selected alternative. None of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the RMP/FEIS.

Intensity. The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27.

1. **Impacts may be both beneficial and adverse.** Due to the selected alternative's design features, the predicted effects, most noteworthy, include: 1/ improvement of fish habitat quality in approximately 2000 feet of stream; 2/ improvement of wildlife habitat quality in approximately 80 acres of forest; 3/improve social and economic benefits to the local communities through the contract work associated with each project; 4/ restoration and maintenance of the ACS (Aquatic Conservation Strategy) objectives; 5/ short term sediment increase into aquatic systems; and 6/ no loss in population viability of special status or special attention species (also see significance criteria #9 below).

None of the environmental effects disclosed above and discussed in detail in Chapter 3 of the EA and associated appendices are considered significant, nor do the effects exceed those described in the RMP/FEIS.

2. **The degree to which the selected alternative will affect public health or safety.** Public health and safety were not identified as an issue. The selected alternative is comparable to other, wildlife habitat enhancement, fish habitat enhancement, soil restoration and road stabilization projects which have occurred within the Salem District with no unusual health or safety concerns.

During the public review of the completed EA, one comment was received related to the stability of the logs which will be placed in the East Fork Dairy Creek in the fish habitat enhancement project. The comment requested that the logs be adequately anchored to prevent them from being washed down stream to the adjacent landholders property. The BLM intends to place the logs in a manner consistent with ODFW, NMFS, DSL and

ACOE guidelines. While there is no guarantee that the logs would not move downstream from this segment especially during a major flood event (1996 was at or near the 100 year event level) our experience with similar structures in the Nestucca River has seen them weather two such events.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no historic or cultural resources, park lands, prime farm lands, wild and scenic rivers, or wildernesses located within the project area (EA, Appendix 3).

The project area is located within the Matrix and RR (Riparian Reserve) land use allocations, as identified in the RMP. Activities associated with the Selected Alternative are predicted to accelerate the development of some late-successional forest structural features in Riparian Reserves, and will contribute to the attainment of ACS objectives.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Extensive scoping of the proposed action resulted in 10 comment letters. None of the comments were pertinent to the Watershed Restoration projects. The comments and the disposition of those comments is contained in Appendix 2 of the EA. Upon issuance of a Preliminary FONSI and the final EA, one letter was received that included comments on the Watershed Restoration Projects. Those comments and BLM's response to those comments can be found in Addendum 1 to the EA, which is attached to this Decision Record and FONSI.

The effects of the Selected Alternative on the quality of the human environment were adequately understood by the interdisciplinary team to provide an environmental analysis. A complete disclosure of the predicted effects of the Selected Alternative is contained in Chapter 3 of the EA and associated appendices.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Selected Alternative is not unique or unusual. The BLM has experience implementing similar actions in similar areas and have found the effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment which are considered to be highly uncertain or involve unique or unknown risks.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The Selected Alternative does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. The selected alternative includes; 1/ Wildlife Habitat enhancement on approximately 80 acres of Matrix and RR; 2/ Fish Habitat Enhancement on approximately 2000 feet of stream; 3/ Campground Restoration to restore natural flood plain function by decompacting and planting an abandoned campground; and 4/ Stabilize a road that was damaged in the 1996 floods if alternate access can be acquired. Any

additional future projects will be evaluated through the NEPA (National Environmental Policy Act) process and will stand on their own as to their environmental effects.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the Selected Alternative in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the selected alternative is contained in Chapter 3 of the EA and the associated appendices.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The Selected Alternative will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will the selected alternative cause loss or destruction of significant scientific, cultural, or historical resources (EA, Appendix 3).
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

1/ The Fish Habitat enhancement, Wildlife Habitat Enhancement and Campground Restoration and Road Stabilization projects authorized by this Decision Record and FONSI have completed programmatic Section 7 ESA consultation with the NMFS (National Marine Fisheries Service) and are consistent with the terms and conditions of the programmatic BO.

Individual ESA effects calls for each of the projects are contained in the EA.

2/ The Watershed Restoration projects, Fish Habitat enhancement, Wildlife Habitat enhancement authorized by this Decision Record and FONSI have/will have completed programmatic Section 7 ESA consultation with the USFWS (United States Fish and Wildlife Service) are/will be consistent with the terms and conditions of the programmatic BO. There are no known occupied spotted owl or marbled murrelet sites within 0.25 mile of any of the proposed restoration project areas, nor are any known bald eagle nest sites within 0.5-mile sight distance of any of the project areas. Consultation is not required for the Road Stabilization project or the Campground Restoration project.

The impacts associated with obtaining the logs to be used in the fish habitat enhancement project have been included within the acreages analyzed within North Coast Province FY 2003 -2004 Programmatic Habitat Modification Biological Assessment under the category of Regeneration Harvest.

The impacts associated with implementation of the wildlife habitat enhancement projects have been included within the North Coast Province FY 2003 -2004 Programmatic Habitat Modification Biological Assessment under the category of Terrestrial Habitat Enhancement.

Habitat Modification Biological Assessment under the category of Terrestrial Habitat Enhancement.

Individual ESA effects calls for each of the projects are contained in the EA.

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** The selected alternative does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. The EA and supporting Project Record contain discussions pertaining to the Endangered Species Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, Coastal Zone Management Act, Executive Order 12898 (Environmental Justice) and Executive Order 13212 (Presidents National Energy Policy). State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the selected alternative is consistent with applicable land management plans, policies, and programs.

PROTEST PROVISIONS

This decision is subject to protest by the public. To protest this decision, a person must submit a written protest to Dana Shuford, Tillamook Field Manager, 4610 Third Street, Tillamook, Oregon 97141-0161 by the close of business (4:00 P.M. Pacific Daylight Time) on September 27, 2002. The protest should clearly and concisely state the reasons why the decision is believed to be in error.

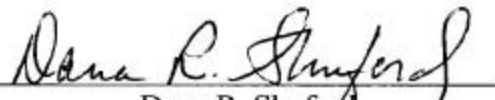
IMPLEMENTATION DATE

If no protest is received by the close of business (4:00 P.M. Pacific Daylight Time) on September 27, 2002, this decision will become final and the Watershed Restoration projects will be implemented as soon as project funding becomes available, which is expected to be within 5 years of the date of decision. If a timely protest is received, this decision will be reconsidered in light of the statements of reasons for the protest and other pertinent information available and a final decision will be issued in accordance with 43 CFR Part 4.

CONTACT PERSON

For additional information concerning this decision and the BLM administrative review process contact David Roché, Tillamook Field Office, Tillamook, Oregon 97141; telephone (503) 815-1100.

Approved by:


Dana R. Shuford
Tillamook Field Manager

9-6-02
Date